IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22668 of 2004

Between:

Achhu Pullaiah, S/o. Kanthaiah, Hindu, aged:n about 41 years, Occup: Agril., R/o. Kakulapally Village, Sathupally Mandal, Khammam District.

..... PETITIONER

AND

1 The District Collector, Khammam, Khammam District.
2 The Revenue Divisional Officer, Khammam.
3 The Mandal Revenue Officer, Sathupally Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of WRIT OF MANDAMUS to declare the inaction of the respondents without entering the name of the petitioner in pahani patrika records in Sy.NO. 274 to an extent of Ac. 0-20 guntas and Sy.No. 334/46 to an extent of Ac. 2-04 guntas situated at Kakulapally Village, Sathupally Mandal, Khammam District as illegal arbitrary and violative of principles of natural justice.

Counsel for the Petitioner: MR.KILARUKHADER BABA

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court, at the stage of admission, made the following:

ORDER:

The grievance of the petitioner is that he was in possession of the land over an extent of Ac.0.20 guntas and Ac.2.04 guntas in Sy.Nos. 274 and 334/46 respectively, of Kakullapally revenue village, for which a patta certificate was issued to his father on 7.11.1970, by the then Tahsildar of Madhira Taluq. After the death of his father, he has been in possession of the said property.

While so, when one Esaram Adaiah tried to dispossess the petitioner from the said land, the petitioner made a representation to the 3rd respondent bringing to his notice about the alleged acts of Esaram Adaiah. Accordingly, he was provided police protection and since then the petitioner was in peaceful possession of the same. Later, the petitioner filed an application in the month of October, 2004 before the 3rd respondent, requesting him to issue pahani copy and possession certificate for the land over an extent of Ac.2.04 guntas in

Sy.No.334/46 of Kakullapally village, for the year 2000-2001. But, through memo dated 3.11.2004 issued by the 3rd respondent, it is stated that the name of the petitioner was not entered in the pahani for the above said land. The petitioner accordingly submitted representation before the respondents 2 and 3 on 18.11.2004, by registered post, for entry of his name in revenue records and for issuance of certified copy of possession certificate. The petitioner contends that so far no action has been taken by the respondents in this regard for issuance of Pahani and possession certificate.

Heard the learned counsel on either side.

It is evident from record that the petitioner filed representation before the respondents 2 and 3 through registered post on 18.11.2004, with a request to enter his name in revenue records and to issue certified copy of Pahani and possession certificate. When once the petitioner has submitted representation, it is obligatory on the part of the respondents to act on the same and pass appropriate orders. However, at this juncture, it is premature to contend that there is no action forthcoming from the respondents on the above said representation, since the respondents should have some breathing time to react on the above said representation and pass appropriate orders, after taking into consideration all the relevant factors. Before rushing to this court, the petitioner should have waited for some more time for appropriate orders on the representation.

In the above circumstances, the writ petition is disposed of directing the 2nd respondent-RDO to consider the said representation dated 18.11.2004 made by the petitioner, and pass appropriate orders expeditiously. No order as to costs.

8.12.2004

CVM

To

1 The District Collector, Khammam, Khammam District.
2 The Revenue Divisional Officer, Khammam.
3 The Mandal Revenue Officer, Sathupally Mandal, Khammam District.

4.2CCs to the Government Pleader for Revenue, A.P. High Court Buildings, Hyderabad (OUT).

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